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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/603,221

06/25/2003

Jeffrey A. Jelten

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EXAMINER

BASINGER, SHERMAN D

ART UNIT

PAPER NUMBER

3617

DATE MAILED: 06/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/603,221

Applicant(s)

JELTEN, JEFFREY A.

Examiner

Sherman D. Basinger

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6, 8-14 and 16 is/are rejected.
- 7) ☒ Claim(s) 7 and 15 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 June 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 6/25/03
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_

## **DETAILED ACTION**

### ***Drawings***

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the pintles and gudgeons of claim 4 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

## **INFORMATION ON HOW TO EFFECT DRAWING CHANGES**

### **Replacement Drawing Sheets**

Drawing changes must be made by presenting replacement figures which incorporate the desired changes and which comply with 37 CFR 1.84. An explanation of the changes made must be presented either in the drawing amendments, or remarks, section of the amendment. Any replacement drawing sheet must be identified in the top margin as "Replacement Sheet" and include all of the figures appearing on the immediate prior version of the sheet, even though only one figure may be amended. The figure or figure number of the amended drawing(s) must not be labeled as "amended." If the changes to the drawing figure(s) are not accepted by the examiner, applicant will be notified of any required corrective action in the next Office action. No further drawing submission will be required, unless applicant is notified.

Identifying indicia, if provided, should include the title of the invention, inventor's name, and application number, or docket number (if any) if an application number has not been assigned to the application. If this information is provided, it must be placed on the front of each sheet and centered within the top margin.

### **Annotated Drawing Sheets**

A marked-up copy of any amended drawing figure, including annotations indicating the changes made, may be submitted or required by the examiner. The annotated drawing sheets must be clearly labeled as "Annotated Marked-up Drawings" and accompany the replacement sheets.

### **Timing of Corrections**

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Applicant is required to submit acceptable corrected drawings within the time period set in the Office action. See 37 CFR 1.85(a). Failure to take corrective action within the set period will result in ABANDONMENT of the application.

If corrected drawings are required in a Notice of Allowability (PTOL-37), the new drawings **MUST** be filed within the **THREE MONTH** shortened statutory period set for reply in the "Notice of Allowability." Extensions of time may **NOT** be obtained under the provisions of 37 CFR 1.136 for filing the corrected drawings after the mailing of a Notice of Allowability.

### ***Specification***

2. The abstract of the disclosure is objected to because legal phraseology such as means has been used in the abstract. Correction is required. See MPEP § 608.01(b).
3. The disclosure is objected to because of the following informalities: on page 12 of the specification, lines 13-15 "collar 541" should be changed to -collar 540-.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-3, 5, 6, 8 13, 14 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Meredith in view of Kruse.

In Meredith the vertical stock is 19, the mounting means for the vertical stock is shown in figure 5, the actuating means is handle 34 and the propulsion means is 1 and 5 with the propulsion means being pivotable from a third position shown in figure 1 in solid

lines to a fourth position shown in figure 1 in broken lines about second horizontal axis 18.

In Meredith the actuating means is not pivotable about a first horizontal axis from a first position for operational deployment to a second position generally adjacent to the vertical stock 19 for compact storage when not operationally deployed.

In Kruse the actuating means 18 is pivotable about a first horizontal axis 20 from a first position for operational deployment to a second position shown in phantom lines in figure 1 generally adjacent to the vertical stock 22, 23 for compact storage when not operationally deployed.

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains to use a horizontal axis similar to 20 of Kruse to pivotally attach handle 34 of Meredith to 22 of Meredith so that 34 can be pivotable about a first horizontal axis from a first position for operational deployment to a second position generally **adjacent** to the vertical stock 19 for compact storage when not operationally deployed. Motivation to do so is to still position handle 34 of Meredith in a compact and easy to transport position, but have the handle attached to 22 of Meredith so that it will not get misplaced.

Handle 34 of Meredith is a tiller and when in the first position is in a generally perpendicular orientation from the upper end of the stock 19.

Note that the mounting means of Meredith is a C clamp and the vertical surface is a transom of a boat.

The displacement control means of claim 6 is collars 24 and 25.

Claim 8 is met by what is shown in figure 1 of Meredith.

The bracket with two parallel plates is 17 of Meredith. The step means is the horizontal lower surface of bracket 17.

The bushing of claim 16 is collar 24 of Meredith.

6. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Meredith and Kruse as applied to claim 1 above, and further in view of DE 38 41 624 A1.

The mounting means of Meredith does not comprise a set of pintles spaced for removable insertion into a set of gudgeons fixed to the vertical surface. Note the used of a set of pintles spaced for removable insertion into a set of gudgeons for mounting the blade 5 of DE 624. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains to comprise the mounting means of Meredith with a set of pintles spaced for removable insertion into a set of gudgeons fixed to the vertical surface similar to those of DE 624. Motivation to do so is to allow for easy removable from the vertical surface of the vertical stock of Meredith.

7. Claims 9-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Meredith and Kruse as applied to claim 1 above, and further in view of Michiels.

The fin of Meredith is not comprised of a plurality of panels each pivoting about the second axis 18. Note the plurality of panels 14 and 15 making up the fin of Michiels. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains to replace the fin of

Meredith including yoke 2 with a fin similar to that of Michiels including the two panels 14 and 15, member 11 and axles 12 and 13. Motivation to do so can be found in Michiels, page 1, lines 3-8.

Due to the shape of the panels of Michiels, the thickest end is the stiff end. When the fin of Meredith is modified to be similar to the fin of Michiels, both ends of the fin will pivot about horizontal axis 18 of Meredith such that the still end will pivot about this second horizontal axis. Note that the fins of Michiels are made of wood (page 1, line 55), one of the resilient materials defined in claim 12. As such the fin of Meredith as modified by Michiels would be made of the resilient material wood.

#### ***Allowable Subject Matter***

8. Claims 7 and 15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### ***Conclusion***

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. French 2 446 765 is cited to show how tiller 12 pivots. Whidden is cited to show pin joint 38.


10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sherman D. Basinger whose telephone number is 703-308-1139. The examiner can normally be reached on M-F (6:00-2:30 ET).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Samuel J. Morano can be reached on 703-308-0230. The fax phone

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number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Sherman D. Basinger  
Primary Examiner  
Art Unit 3617  
5/26/04

Sdb  
5/26/04